

III. REMARKS

Claims 9, 13, 15-18 and 21-28 are amended. Claims 8, 10-12, 19 and 20 are cancelled.

In the Decision on Appeal the Board of Patent Appeal and Interferences indicates that the Examiner's decision is reversed as to claims 1, 3-7, 9, 13-17 and 21-28.

The Decision on Appeal also indicates that the Board of Patent Appeal and Interferences made a new ground of rejection. The Board of Patent Appeals and Interferences argues that the "module" limitation (i.e. "at least one processing module connected to the housing and capable of processing a reticle") of claim 9 encompasses any and all things that were admittedly unforeseen by Appellants at the time of the invention, such that claim 9 is unpatentable for lack of an enabling disclosure under 35 USC 112, first paragraph.

The reasoning behind the new grounds of rejection is that the "module" limitation does not recite the specific structure of the module, but defines it solely in terms of its function (Page 14, lines 2-8 of the Decision on Appeal). In particular the Board of Patent Appeal and Interferences asserts that "[a]ccording to the Specification, the "module" limitation encompasses things that are capable of processing a reticle that were "unforeseen" by the Appellants at the time of invention" while pointing to page 34 lines 18-21 of the specification which recites "[m]any other unforeseen examples of modules that may be installed in device 201 may exist and are covered by the scope of the embodiments described herein." The Board of Patent Appeal and Interferences interprets this language from

Applicant's specification to mean that the scope of the term "module" includes structures that Appellants have not invented. This interpretation of the above-cited language is incorrect. Contrary to the Board of Patent Appeal and Interferences assertion, the above-cited language from the specification does not include structures that the Appellants have not invented but rather expressly states that there may be, though unforeseen, examples of modules covered by the scope of the embodiments described in the specification. In other words, the fact that there may be an unforeseeable example that is none the less covered by the scope of the embodiments described in the specification does not render the unforeseeable example of the module as not invented by the Applicants because as stated, the example is covered by the scope of the embodiments described.

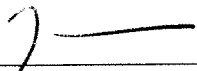
Notwithstanding the above, and in order to expedite allowance of this application the claims are amended to recite a "module means," which overcomes the enablement rejection under 35 USC 112, first paragraph.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested.

Should any unresolved issues remain, the Applicant requests a telephonic interview with the Examiner.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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October 28, 2009
Date

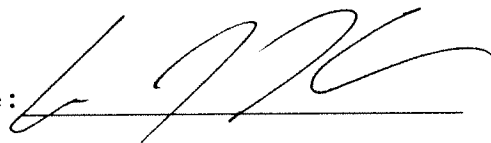
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